

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 91C.6, the Labor Commissioner amends Chapter 150, “Construction Contractor Registration,” Iowa Administrative Code.

These amendments update rules to reflect legislation in 2010 Iowa Acts, House File 2522, sections 26 to 28, that changed the bonding requirements for out-of-state construction contractors. These amendments rescind provisions that contradict House File 2522 and adopt new provisions that are consistent with House File 2522.

Notice of Intended Action was published in the June 2, 2010, Iowa Administrative Bulletin as **ARC 8818B**. No public comment was received on the proposed amendments. The amendments were also Adopted and Filed Emergency and were published in the June 2, 2010, Iowa Administrative Bulletin as **ARC 8812B**.

One of the adopted amendments differs from that proposed under Notice. The adopted amendment requires that, in order for an out-of-state contractor to be exempt from the bond requirement, the contractor must submit a copy of a letter from the Iowa Department of Transportation stating that the contractor is prequalified to bid pursuant to Iowa Code section 314.1.

The principal reasons for adoption of these amendments are to implement legislative intent and enhance collection of debts owed to the state of Iowa. No variance procedures are included in these rules because variance provisions are set forth in 875—Chapter 1.

These amendments are intended to implement Iowa Code chapter 91C as amended by 2010 Iowa Acts, House File 2522, sections 26 to 28.

These amendments shall become effective on September 15, 2010, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Rescind the definition of “Contract price” in rule **875—150.2(91C)**.

ITEM 2. Amend rule 875—150.4(91C), introductory paragraph, as follows:

875—150.4(91C) Application. Each contractor shall file an application with the division for a registration number on forms provided by the division. The application shall contain the applicable information and documents specified in this rule.

ITEM 3. Adopt the following new subrule 150.4(11):

150.4(11) Out-of-state contractor bond. An out-of-state contractor shall:

a. File a surety bond in the amount of \$25,000 for a one-year period that is prepared using the bond form provided by the division, or

b. Provide a copy of a letter from the Iowa department of transportation stating that the contractor is prequalified to bid on projects for the department of transportation pursuant to Iowa Code section 314.1.

ITEM 4. Rescind and reserve rules **875—150.13(91C)** to **875—150.15(91C)**.

ITEM 5. Amend **875—Chapter 150**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 91C as amended by ~~2006 Iowa Acts, chapter 1176~~ 2010 Iowa Acts, House File 2522.

[Filed 7/14/10, effective 9/15/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/10.